

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ERIC MICHAEL ROSEMAN, individually and
on behalf of others similarly situated,

Plaintiffs,

V.

BLOOMBERG L.P.,

Defendant.

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14-cv-2657 (TPG)

ECF CASE

OPINION & ORDER

On February 11, 2015, the court denied plaintiff's motion for a protective order and leave from the court to proceed under the pseudonym "Eric Michael." (Dkt. No. 30.) In so ruling, the court noted that plaintiff's argument to proceed pseudonymously ran "against the public's traditional right of access to judicial proceedings, and may also preclude potential class members from properly evaluating the qualifications of the class representative." *Id.* at 7. The court directed plaintiff to file a second amended complaint identifying himself by name within 30 days of the court's opinion.

Plaintiff filed a second amended complaint on March 6, 2015, identifying himself by his full name in one paragraph of the complaint, but not amending the case caption. (*See* Dkt. No. 32.) The court then granted plaintiff's motion to certify this action as a collective action pursuant to § 216(b) of the FLSA, and authorized the issuance of plaintiff's proposed notice to potential opt-in plaintiffs. (Dkt. No. 37.)

Defendants have filed a motion for partial reconsideration of the court's opinion certifying this action as a collective action, to the limited extent that the opinion approved plaintiff's proposed form of notice and consent form without requiring plaintiff to include his actual name—as opposed to his pseudonym—in the forms. (*See* Dkt. No. 38.) Defendants also seek an amendment of the case caption to reflect plaintiff's full name.

Defendants' motion is granted. The court rules as follows:

- (1) The proposed notice shall be modified to include plaintiff's full name, as set forth in Dkt. No. 40-1;
- (2) The proposed consent form shall be modified to remove the prior case caption; and
- (3) Plaintiff's request for equitable tolling is denied.

The Clerk of Court is directed to amend the caption in this case to read: "ERIC MICHAEL ROSEMAN, individually and on behalf of others similarly situated, Plaintiffs, v. BLOOMBERG L.P., Defendant." The Clerk of Court is also directed to terminate the motion listed as item 38 on the docket.

SO ORDERED.

Dated: New York, New York
May 18, 2015

A handwritten signature in black ink, appearing to read "Thomas P. Griesa", written over a horizontal line.

Thomas P. Griesa
U.S. District Judge